

**Minutes of Protection Working Group
26th March 2024**

Place: UN House – Bucharest (hybrid format)

Facilitators: Wendy Zillich

23 online participants, 7 participants face to face

Agenda

1. Study presentation about family separation –Ana Stoicu, Red Cross
2. Challenges of TP beneficiaries in accessing social benefits – Crina Magher, CNRR
3. Proposed amendments to the law on citizenship – Bogdan Preda, Wendy Zillich
4. AOB

Study presentation about family separation

People displaced by conflict may face separation from their families in different moments and are sometimes not able to reestablish that contact. Therefore, the Red Cross in Romania offers help with family reunification, normally for the nuclear family, with some exceptions. A presentation is annexed to these minutes where the relevant contact persons of the Red Cross are shared with members of the PWG. Currently, the Red Cross has 2 field officers and 1 caseworker providing the family reunification service.

The project has so far assisted 29 such cases. Taking into account identified need for family reunification was relatively low compared to other armed conflicts, the Red Cross conducted an assessment. Out of a total of 880 responses, 748 were considered eligible. As for the area of origin, 40% of the responses were people from Odessa, but there were also responses from people who lived before conflict in Kherson Kyiev and Mykolaiv. Out of the total number, 136 people stated that they had lost contact with their family completely after their relocation to Romania, and of these 12.5% failed to reestablish contact. After the research interviews/questionnaires, 6 cases had initial assessment and 4 accessed reunification services. The study helped in actively identifying cases in need for the service and promote the service. More promotion is needed and members are asked to help with this. The Red Cross will share information materials with the group.

Challenges of TP beneficiaries in accessing social benefits

Reference was made to a specific case with a view to highlighting that several cases have by now been identified which have, in the first place, received, a social benefit and are now being asked to pay it back by a local payment agency due to lack of domicile in Romania. Currently the complaint is in administrative phase, and if the answer is rejected the beneficiary needs to go to Court. This is not the only case identified, but persons tend to be afraid of filing legal actions/ do not have the resources to do so.

It is commented that it will be important to offer legal support to these cases, for example seeking help from CNRR. Members explain that it is also common with Romanian beneficiaries, that payment agencies ask for money to be paid back.

Some institutions from Romania offered social benefits regardless of lack of domicile, some denied access to this kind of benefits. The Ministry of Work and Social Solidarity circulated an internal communication about the fact TP beneficiaries cannot access social benefits, but the national unofficial practice still seems different from case to case.

New amendments of the draft law on citizenship

The advocacy process to change the citizenship law has been ongoing for the past 10 years and has involved many resources, both from authorities and NGOs. This law was adopted in 1991, with minor amendments along the way. The dialogue for amendment started in 2013, and recently the Ministry of Justice has published a draft in the Transparency of Decision-making, focusing on migration in general, but also on regaining citizenship. In the explanatory memorandum, one of the motivations behind the proposals is related to fraud prevention.

It was highlighted that the proposed amendments would mean a reduced minimum time of residency for beneficiaries of subsidiary protection of 4 years, putting into the same situation beneficiaries of subsidiary protection and persons recognized “as refugees”. A proposal has been made to also apply this facilitated access to stateless persons in accordance with the Convention relating to the Status of Stateless Persons. Additional elements that could be considered in the bill are:

- Explicit reference to documentary requirements with regard to beneficiaries of international protection taking into account they should not be requested to get in touch with authorities from the country of origin and are unable to obtain these documents for personal safety reasons.
- A general safeguard for children born in Romania and who are stateless. There is currently a loophole for children born in Romania to parents who cannot pass their nationality on to their children.

Further aspects that were highlighted in the discussion include:

- The need for a manual issued by the state for granting citizenship so people can prepare for the exam and are explained what is expected.
- Uncertainty regarding recognition of the TP permit for the time spent in the country necessary to obtain citizenship. Members also reported a growing interest by citizens from Ukraine in citizenship. It is commented that Ukrainians with Romanian ancestors and those coming from oblasts heavily affected by conflict and those coming from occupied territories may be more likely to be asking about it.

Action Points:

What needs to be done	By who	By when
Share information and materials available on the Romanian Red Cross' Family Reunification Service with all members so they can disseminate/ display information on services at their offices/spaces where they operate	Red Cross Romania	23/04/2024
Send information on reunification services through Telegram	UNHCR	31/05/2024
Pay attention to cases that are asked to pay back social benefits and refer them to legal partners if needed. Refrain from advising people to try and obtain social benefits under the current circumstances.	All	Ongoing
Reshare with all members information on obtaining Romanian citizenship	UNHCR/CNRR	15/05/2024